EXHIBIT R

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

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IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM, PRODUCTS LIABILITY LITIGATION	:MDL NO. 2327 : :VOLUME II :

THIS DOCUMENT RELATES TO ALL CASES AND VARIOUS OTHER CROSS-NOTICED ACTIONS

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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January 8, 2014

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Transcript of the continued deposition of THOMAS A. BARBOLT, Ph.D., called for Videotaped Examination in the above-captioned matter, said deposition taken pursuant to Superior Court Rules of Practice and Procedure by and before Michelle L. Gray, a Certified Court Reporter, Registered Professional Reporter, and Notary Public, at the offices of Riker Danzig Scherer Hyland & Perretti LLP, Headquarters Plaza, One Speedwell Avenue, Morristown, New Jersey, commencing at 9:07 a.m.

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GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph| 917.951.5672 fax
deps@golkow.com

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BY MR. THORNBURGH:
Q. IR spectra showed possible evidence of slight oxidation, correct?
A. Yes.
Q. Okay. Now, there's also an observation regarding the other Ethilon and Novofil, which differed from uncracked areas. And the conclusion was, expected IR absorbances for oxidation would be masked by strong carbonyl absorbances normally observed in these sutures.
So there's a discussion here that -- of the -- what would be expected to be seen could be masked by strong carbonyl absorbances. Do you see that?
MR. THOMAS: Object to the form of the question.
THE WITNESS: Yes.
BY MR. THORNBURGH:
Q. And at the seven-year data, Ethicon's investigator found degradation in Prolene is still increasing in PVDF -- even though a few cracks were found, is still by far the most surface resistant in-house made suture in terms of cracking.
That's the findings by Ethicon's investigator, right?

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A. Yes.
Q. An employee for Ethicon who actually investigated degradation of Prolene sutures and came to the conclusion that degradation is occurring in Prolene, right?
MR. THOMAS: Object to the form of the question.
BY MR. THORNBURGH:
Q. Do you see that?
A. Yes, I see that. Surface degradation, and they're making a reference to surface degradation. Yep. I see it.
Q. So you agree as the person for Ethicon who's looked at these studies that surface degradation can occur on the Prolene polypropylene, correct?
A. That was a surface change observed in this report and so reported.
Q. And so you agree that surface degradation can occur in the Prolene polypropylene that's contained in the TVT meshes, correct?
MR. THOMAS: Object to the form of the question.
THE WITNESS: That's the data in this report reflecting the SEM parameters evaluated.

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BY MR. THORNBURGH:
Q. And that's Ethicon's position as you -- as the spokesperson for Ethicon, it's Ethicon's position that degradation, surface degradation, can occur, correct?
MR. THOMAS: Object to the form of the question.
THE WITNESS: Yes.
BY MR. THORNBURGH:
Q. And this was known well in advance of this statement that the material is not absorbed, nor is it subject to degradation, correct?
A. Yes. This is from 1992.
MR. THORNBURGH: Okay. Lunch break.
THE VIDEOGRAPHER: We're now going off the video record. It's 11:48.
(Lunch break.)
THE VIDEOGRAPHER: We're back on the video record. It's now 12:43.
BY MR. THORNBURGH:
Q. Now, Doctor, I'd like to turn your attention back to the e-mail that we began to discuss earlier in your deposition, Exhibit Number T 4012.
(Whereupon, a discussion was held off

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the record.)
THE WITNESS: Okay.
BY MR. THORNBURGH:
Q. Now, this e-mail --
MR. THOMAS: Give me just a half a second to get back on the same page.
Thank you. I am ready.
BY MR. THORNBURGH:
Q. This e-mail is again from Dr. Divilio, and you were copied on this e-mail, right?
A. Yes.
Q. In 2007, correct?
A. Yes.
Q. And the e-mail says: Bruce Ramshaw from the University of Missouri is challenging our perception of polypropylene as an inert material after implantation. In a recent article, his group looked at explanted polypropylene from a Bard Composix mesh under EM, electron microscopy, and found that the surface of the fibers had been altered with respect to the pristine material with evidence of blistering and increased surface roughness, possibly due to oxidation.
Now, this is the same finding or